

REMARKS

This Amendment is being filed in response to the Office Action mailed November 12, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7 remain in this application, where claim 7 has been added and claim 1 is independent.

In the Office Action, the Examiner indicated that references cited in the International Search Report have not been considered since they were not submitted with a separate list with the Information Disclosure Statement. Applicant believes that any duty to disclose has been satisfied and that there is no need to consider on the merits the references cited in the International Search Report since these references are of category "A", "defining general state of the art which is not considered to be of particular relevance".

In the Office Action, the Examiner suggested adding headings to the specification. Applicant gratefully acknowledges the

Examiner's suggestion, however respectfully declines to add the headings as they are not required in accordance with MPEP §608.01(a), and could be inappropriately used in interpreting the specification.

In the Office Action, the Examiner objected to the specification for certain informalities. In response, the specification has been amended to remove the informalities noted by the Examiner, as well as other informalities. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Office Action, claims 1-6 are rejected under 35 U.S.C. §102(a) over U.S. Patent Application Publication No. 2005/0229398 (Leventhal). Applicant respectfully traverses and submits that Claims 1-7 are patentable over Leventhal for at least the following reasons.

It is respectfully submitted that Leventhal is not prior art to the present application. The present application has an effective filing date of July 4, 2003, which is before the Leventhal publication date of October 20, 2005, as well as before the Leventhal effective filing date of April 15, 2004. That is,


Leventhal was filed and published after the effective filing date of the present application. As the effective filing date of the present application of July 4, 2003 is before the Leventhal effective filing date of April 15, 2004, Leventhal is not available as prior art with regard to the present application.

Accordingly, it is respectfully requested that independent claims 1-7 be allowed.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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